

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

NICK WILLIAM SCHALLER,

Plaintiff,

v.

REBECCA ARNDT and KEN and
DEANN PETERSON,

Defendant.

ORDER
07-cv-633-jcs

Upon receipt of plaintiff's partial filing fee in the amount of \$6.91, the Court addresses the merits of plaintiff's complaint. According to 28 U.S.C. § 1915(b)(2), the institution's financial officer is authorized to deduct monthly payments from plaintiff's account until the \$350.00 filing fee is paid in full.

Plaintiff alleges that the defendants are keeping him from seeing his daughters. To state a claim under 42 U.S.C. § 1983 a plaintiff must allege that the defendants violated his constitutional rights while acting under color of state law. Plaintiff has failed to make the required allegations. Accordingly, his complaint and all claims contained therein will be dismissed without prejudice.

Plaintiff is advised that in any future proceedings in this matter he must offer argument not cumulative of that already

provided to undermine this Court's conclusion that his claim must be dismissed. See Newlin v. Helman, 123 F.3d 429, 433 (7th Cir. 1997).

ORDER

IT IS ORDERED that plaintiff's complaint and all claims contained therein is DISMISSED without prejudice.

IT IS FURTHER ORDERED that judgment be entered DISMISSING plaintiff's complaint and all claims contained therein without prejudice.

Entered this 5th day of December, 2007.

BY THE COURT:

/s/

JOHN C. SHABAZ
District Judge